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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

9 MICHAEL LEWIS, LAUREN
10 TAYLOR, C.L., a minor, and B.L.,
a minor, by and through their guardian
ad litem,

CASE NO. 13-cv-2818-H-JMA

ORDER DENYING MOTION TO AMEND SCHEDULING ORDER

[Doc. No. 60]

13 COUNTY OF SAN DIEGO,
14 COUNTY AGENT IAN BAXTER,
15 COUNTY AGENT N. QUINTEROS,
16 COUNTY AGENT SUPERVISOR
17 BENITA JEMISON, COUNTY
18 AGENT ABIGAIL JOSEPH,
19 COUNTY AGENT SUPERVISOR
20 ANTONIA TORRES, COUNTY
21 AGENT SUPERVISOR ALFREDO
22 GUARDADO, and COUNTY
23 AGENT BROOKE GUILD.

Defendants.

On April 14, 2016, the parties moved to extend the deadline for Plaintiffs to file a motion for leave to amend the complaint. (Doc. No. 60.) The Court declines to grant the motion.

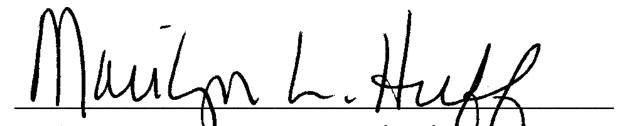
24 This case has been pending since November of 2013. (Doc. No. 1.) Plaintiffs
25 filed an amended complaint in August of 2014. (Doc. No. 17.) They also filed a notice
26 of intent not to amend further on March 25, 2015. (Doc. No. 30.) Plaintiffs have been
27 on notice of the April 4, 2016 deadline since February 2, 2016. (Doc. No. 49 ¶ 1.) The
28 deadline has passed.

1 Rule 6(b) of the Federal Rules of Civil Procedure provides that the court has
2 discretion to extend a deadline for good cause. When the deadline has passed, good
3 cause requires “excusable neglect.” Fed. R. Civ. P. 6(b)(1)(B). New counsel as of
4 four months ago is not good cause. Additionally, Plaintiffs’ proposed new claims are
5 separate from the ones in the present complaint, as they involve medical examinations
6 and different transactions that would unduly complicate this case at this stage. And,
7 at this point, the parties have done substantial discovery on Plaintiffs’ present claims.
8 (See Doc. No. 60 ¶ 5.)

9 Accordingly, exercising its discretion, the Court declines to grant the parties’
10 untimely motion. Plaintiffs can assert the new claims in a separate complaint, which
11 will be assigned a new case number and proceed separately. The Court notes that the
12 statute of limitations will not be an issue because Plaintiffs are minors. See Cline v.
13 Brusett, 661 F.2d 108, 110 (9th Cir. 1981); Cal. Civ. Code § 352(a).¹

14 **IT IS SO ORDERED.**

15 DATED: April 15, 2016



MARILYN L. HUFF, District Judge
UNITED STATES DISTRICT COURT

27 ¹ The Court also declines to move the deadline for lodging the proposed final
28 pretrial conference order. (Doc. No. 58 ¶ 13.)